



Universal Service Administrative Company
Schools & Libraries Division

April 22, 2003

George Beckwith
INGLEWOOD UNIF SCHOOL DISTRICT
401 South Inglewood Ave.
Inglewood, CA 90301

Further Explanation of Administrator's Funding Decision
Form 471 Application Number: 313520
Funding Year 2002 (07/01/2002 – 06/30/2003)

Under separate cover, you are being sent a Funding Commitment Decision Letter concerning the FCC Form 471 Application Number cited above. This Funding Commitment Decision Letter denies all funding requests that are associated with Spectrum Communications Cabling Services, Inc.

Please be advised that the Funding Commitment Decision Letter is the official action on this application by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC). Please refer to that letter for instructions regarding how to appeal the Administrator's decision, if you wish to do so. The purpose of this letter is to provide you with additional information concerning the reasons for denial of these funding requests.

Information obtained during the review of your FCC Form 471 indicates that the service provider was improperly involved in the competitive bidding and vendor selection process and that the applicant was not the source of the information contained in the responses to SLD's questions regarding the competitive bidding and vendor selection process.

Federal Communication Commission (FCC or Commission) rules require applicants to submit an FCC Form 470 to USAC for posting on its website.¹ This posting enables prospective service providers to bid on the equipment and services for which the applicant will request universal service support. After the Form 470 has been posted, the applicant must wait at least 28 days before entering into agreements with service providers, comply with all applicable state and local procurement laws, and comply with FCC competitive bidding requirements.² Program rules require that the entity selecting a service provider "carefully consider all bids submitted and may consider relevant factors

¹ Schools and Libraries Universal Service, Description of Services Requested and Certification Form 470, OMB 3060-0806 (September 1999) (*FCC Form 470*).

² See 47 C.F.R. §§ 54.504, 54.11.

other than the pre-discount prices submitted by providers.”³ When allowed under state and local procurement rules, other relevant factors include “prior experience, including past performance; personnel qualifications, including technical excellence; management capability, including schedule compliance; and environmental objectives.”⁴ The FCC has stated that price should be the primary factor in selecting a bid.⁵ Once the applicant enters into agreement(s) with service provider(s), the applicant submits an FCC Form 471 to USAC.⁶ The Commission has stated that applicants cannot abdicate control over the application process to a service provider that is associated with the FCC Form 471 for that applicant.⁷

Pursuant to its authority to administer the Schools and Libraries Support Mechanism, USAC selects certain applicants for a Selective Review to ensure that they are following FCC rules relating to, among others, the competitive bidding process. Applicants who are chosen for this review are sent the “E-Rate Selective Review Information Request.” As part of this request, applicants are asked to answer certain questions regarding their competitive bidding and vendor selection process. In particular, applicants are asked to:

Please provide complete documentation indicating how and why you selected the service provider(s) selected. This documentation should include a description of your evaluation process and the factors you used to determine the winning contract(s).⁸

The person authorized by the applicant to sign on the applicant’s behalf, or the entity’s authorized representative, is required to certify that the authorized signer prepared the responses to the Selective Review Information Request on behalf of the entity.⁹

Your FCC Form 471 requests for funding was selected for a Selective Review. USAC became aware that the responses provided by various applicants associated with this particular service provider to the portion of the Selective Review questions described above seeking a description of the factors that the applicant used to determine the winning contracts contained identical language. Thus, USAC concluded that these responses had been prepared by the service provider and provided to the applicant, and were not prepared by the applicant as required under the Schools and Libraries Support Mechanism.

³ 47 C.F.R. § 54.511(a).

⁴ Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Report and Order*, FCC 97-157 ¶ 481 (rel. May 8, 1997); *Request for Review by the Department of Education of the State of Tennessee of the Decision of the Universal Service Administrator*, CC Docket Nos. 96-45, 97-21, FCC 99-216 ¶¶ 7-9 (rel. August 11, 1999).

⁵ See *id.*

⁶ Schools and Libraries Universal Service, Services Ordered and Certification Form 471, OMB 3060-0806 (October 2000) (*FCC Form 471*).

⁷ *In re Request for Review of Decisions of the Universal Service Administrator by Bethlehem Temple Christian School*, CC Docket Nos. 96-45, 97-21, DA-01-852 ¶ 6 (rel. Apr. 6, 2001)

⁸ E-Rate Selective Review Information Request, Funding Year 2002 at 2.

⁹ *Id.* at 15.

FCC rules require applicants to "carefully consider all bids." USAC sought to ensure that you had complied with this requirement by seeking a description of your competitive bidding process, your vendor evaluation process and the factors you used to determine the winning contract. Based on the evidence described above, USAC reasonably has concluded that the description of this process that you provided to USAC appears to have been prepared by your service provider. The Selective Review Information Request requires the applicant to certify that it, or its authorized representative prepared the responses to the request. The reason for this certification is to ensure that applicants, rather than service providers, answer the questions that are properly answered by the applicant. It is inappropriate for a service provider to answer questions regarding the competitive bidding process, vendor selection, or the applicant's ability to pay the non-discount share as required by Schools and Libraries Support Mechanism rules.

USAC has concluded that the evidence described indicates that the service provider was improperly involved in the competitive bidding and vendor selection process and that the applicant did not provide the answers to these questions. Consequently, USAC has denied all funding requests from this applicant associated with this service provider.

Schools and Libraries Division

CC:

Spectrum Communications Cabling Services, Inc
226 North Lincoln Avenue
Corona, CA 92882
Attn: Robert Rivera

INGLEWOOD DISTRICT EXHIBIT 3

FCC Form

Approval by OMB
3060-0806**470**

Schools and Libraries Universal Service Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 5.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before completing.

(To be completed by entity that will negotiate with providers.)

Block 1: Applicant Address and Identifications

(School, library, or consortium desiring Universal Service funding.)

Form 470 Application Number: 219760000381971

Applicant's Form Identifier: IUSD470-2002

Application Status: CERTIFIED

Posting Date: 11/19/2001

Allowable Contract Date: 12/17/2001

Certification Received Date: 11/20/2001

1. Name of Applicant:

INGLEWOOD UNIF SCHOOL DISTRICT

2. Funding Year:

07/01/2002 - 06/30/2003

3. Your Entity Number

143494

4. Applicant's Street Address, P.O.Box, or Route Number**a. Street**

401 S INGLEWOOD AVE

City

INGLEWOOD

State

CA

Zip Code 5Digit

90301

Zip Code 4Digit

2501

b. Telephone number

ext.

(310) 419- 2500

c. Fax number

(310) 671- 3312

d. E-mail Address

gbeckwith@inglewood.k12.ca.us

5. Type Of Applicant (Check only one box)
☐ Library (including library system, library branch, or library consortium applying as a library)

☐ Individual School (individual public or non-public school)

☒ School District (LEA; public or non-public [e.g., diocesan] local district representing multiple schools)

☐ Consortium (intermediate service agencies, states, state networks, special consortia)
6a. Contact Person's Name: George Beckwith**6b. Street Address, P.O.Box, or Route Number (if different from Item 4)**

401 South Inglewood Ave			
City Inglewood	State CA	Zip Code 5Digit 90301	Zip Code 4Digit
6c. Telephone Number (10 digits + ext.) (310) 419- 2735			
6d. Fax Number (10 digits) (310) 680- 5127			
6e. E-mail Address (50 characters max.) gbeckwith@inglewood.k12.ca.us			

Block 2: Summary Description of Needs or Services Requested

<p>7 This Form 470 describes (check all that apply):</p> <p>a. <input checked="" type="checkbox"/> Tariffed services - telecommunications services, purchased at regulated prices, for which the applicant has no signed, written contract. A new Form 470 must be filed for tariffed services for each funding year.</p> <p>b. <input checked="" type="checkbox"/> Month-to-month services for which the applicant has no signed, written contract. A new Form 470 must be filed for these services for each funding year.</p> <p>c. <input checked="" type="checkbox"/> Services for which a new written contract is sought for the funding year in Item 2.</p> <p>d. <input type="checkbox"/> A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous program year.</p> <p>NOTE: Services that are covered by a qualified contract for all or part of the funding year in Item 2 do NOT require filing of Form 470. A qualified contract is a signed, written contract executed pursuant to posting a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract.</p>

8 ☒ Telecommunications Services

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

a ☐ YES, I have an RFP. Choose one of the following: It is available on the Web at _____ or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

b ☒ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Telecommunications Services you seek. Specify each **service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications Services, and remember that only common carrier telecommunications companies can provide these services under the universal service support mechanism. Add additional lines if needed.**

Service or Function:	Quantity and/or Capacity:
Basic Telephone Service	1700 lines
DS-3 High Speed Lines	Twenty Four (24)
Long Distance Service and Charges	1700 lines
Paging Service	780 Teachers
Cellular/PCS Access	820 Teachers and Adminstrators
Cable TV Access	19 School Sites
Interactive TV	19 School Sites
Homework Hotline Service	19 School Sites
Wide Area Network Support	19 School Sites and District Office
Private Branch Exchange Support	19 School Sites and District Office

DS-1/T1 High Speed Lines	Twenty-Four (24)
Calling Cards	Twenty-Four (24)
PIC Change Charge	All lines
Programmed Audio Service	19 School Sites and District Office
Serial Digital Service	19 School Sites and District Office
Satellite Service	19 School Sites and District Office
Video Service	19 School Sites and District Office
Trunk Service and Support	19 School Sites and District Office
On-Premise Equipment	19 School Sites and District Office

9 ☒ Internet Access

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

a ☐ YES, I have an RFP. Choose one of the following: It is available on the Web at _____ or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

b ☒ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Internet Access Services you seek. Specify each **service or function** (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internet Access Services. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
Basic Unbundled Access	19 School Sites and District Office
E-Mail Account Fees	19 School Sites and District Office
E-Mail Service	19 School Sites and District Office
WAN Support	19 School Sites and District Office
Internet Service Provider Services	45 MBits
Internet Service Provider Services	128KBits
Leased Satellite Broadband broadcast system using DVB for Internet Access.	19 School Sites and District Office
Include web based ordering system for	and
Video. Requires NTSC configuration.	the
ISP Service for Mobile unit via VSAT	District offices.
	One (1) VSAT Connection at 3-6 Mbs

10 ☒ Internal Connections

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

a ☐ YES, I have an RFP. Choose one of the following: It is available on the Web at _____ or via ☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

b ☒ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Internal Connections Services you seek. Specify each **service or function** (e.g., local area network) and quantity and/or capacity (e.g., connecting 10 rooms and 300 computers at 56Kbps or better). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internal Connections Services. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
Antennas for Wireless LANs	19 School Sites and District Office
Battery Back-up	19 School Sites and District Office
Maintenance Support	19 School Sites and District Office

NIC Cards	19 School Sites and District Office
PVBX System	19 School Sites and District Office
Relay I/O Module	19 School Sites and District Office
Remote Access Server	District Office
E-Mail Application Software	19 School Sites and District Office
Network Switches	19 School Sites and District Office
Technical Support	19 School Sites and District Office
Uninterruptable Power Sources (UPS)	19 School Sites and District Office
UPS Expander	19 School Sites and District Office
Video Equipment with EMMI	19 School Sites and District Office
Master Control Unit, MPEG Video Encoder	19 School Sites and District Office
Multipoint Control Unit, Video Amplifier	19 School Sites and District Office
Video Group & Desktop Equipment	19 School Sites and District Office
Voice Interface Card	19 School Sites and District Office
Voice over IP Equipment	19 School Sites and District Office
Wire & Cable Maintenance & Management	19 School Sites and District Office
Wireless PBX Adjunct	19 School Sites and District Office
Wireless Local Area Network	19 School Sites and District Office
Software for Servers and E-Mail Service	19 School Sites and District Office
Video Distribution Manager and System	19 School Sites and District Office
Operational Software	19 School Sites and District Office
Web, File, E-Mail, & Classroom Servers	19 School Sites and District Office
Terminal Servers	19 School Sites and District Office

11 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the signer of this form.

Name: George Beckwith	Title: Director of Technology
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Telephone number (10 digits + ext.)
(310) 419 - 2735

Fax number
(310) 680 - 5127

E-mail Address (50 characters max.)
gbeckwith@inglewood.k12.ca.us

12. ☐ Check here if there are any restrictions imposed by state or local laws or regulations on how or when providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or give Web address where they are posted.

13. (Optional) Purchases in future years: If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, summarize below (including the likely time-frames).

Block 3: Technology Assessment

14. ☐ **Basic telephone service only:** If your application is for basic local and long distance voice telephone service only, check this box and skip to Item 16.

15. Although the following services and facilities are ineligible for support, they are usually necessary to make

effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is **ONLY** for basic telephone service, you must check at least one box in (a) through (e). You may provide details for purchases being sought.

a. Desktop communications software: Software required ☒ has been purchased; and/or ☒ is being sought.

b. Electrical systems: ☒ adequate electrical capacity is in place or has already been arranged; and/or ☒ upgrading for additional electrical capacity is being sought.

c. Computers: a sufficient quantity of computers ☒ has been purchased; and/or ☒ is being sought.

d. Computer hardware maintenance: adequate arrangements ☒ have been made; and/or ☒ are being sought.

e. Staff development: ☒ all staff have had an appropriate level of training or additional training has already been scheduled; and/or ☒ training is being sought.

f. Additional details: Use this space to provide additional details to help providers to identify the services you desire.

Block 4: Recipients of Service

16. Eligible Entities That Will Receive Service:

Check the **ONE** choice that best describes this application and the eligible entities that will receive the services described in this application.

You must select a state if (b) or (c) is selected: **CA**

a. ☐ **Individual school or single-site library:** Check here, and enter the billed entity in Item 17.

b. ☐ **Statewide application (check all that apply):**

- ☐ All public schools/districts in the state:
- ☐ All non-public schools in the state:
- ☐ All libraries in the state:

If your statewide application includes **INELIGIBLE** entities, check here. ☐ If checked, complete Item 18.

c. ☒ **School district, library system, or consortium application to serve multiple eligible sites:**

Number of eligible sites	19
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces

310

330,419,680

If your application includes INELIGIBLE entities, check here. ☐ If checked, complete Item 18.

17. Billed Entities

Entity Name	Entity Number
INGLEWOOD UNIF SCHOOL DISTRICT	143494

18. Ineligible Entities

Ineligible Participating Entity	Entity Number	Area Code	Prefix
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Block 5: Certification**19. The applicant includes:(Check one or both)**

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801(14) and (25), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to) elementary and secondary schools, colleges and universities.

20. All of the individual schools, libraries, and library consortia receiving services under this application are covered by:

- a. ☐ individual technology plans for using the services requested in the application
- b. ☒ higher-level technology plans for using the services requested in the application
- c. ☐ no technology plan needed; application requests basic local and long distance telephone service only.

21. Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):

- a. ☒ technology plan(s) has/have been approved by a state or other authorized body.
- b. ☐ technology plan(s) will be approved by a state or other authorized body.
- c. ☐ no technology plan needed; application requests basic local and long distance telephone service only.

22. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

23. ☒ I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.

24. ☒ I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. Signature of authorized person: ☒

26. Date (mm/dd/yyyy): 11/20/2001

27. Printed name of authorized person: George Beckwith

28. Title or position of authorized person: Director of Technology

29. Telephone number of authorized person: (310) 419 - 2735 ext.

[New Search](#)

[Return To Search Results](#)

INGELWOOD DISTRICT EXHIBIT 4



Ms. Laura Ransegnola
SLD, PIA Selective Review
80 S. Jefferson Road
Whippany, NJ 07981

May 24, 2002

Dear Ms. Ransegnola:

I have included below and attached the pertinent information requested in your May 8th fax package to me.

As a starting point, please note that the figures that were pre-printed in the Item 25 Worksheet (attachment 1) in sections I-A, I-B, and I-C have been revised based on our Board of Education's decision, because of budget restraints, to cut some of the Funding Request Numbers (FRN) contained the three Form 471's that we submitted. Please see the spreadsheet at attachment 2 for a list of the FRN's which have been cut (or not funded by the District) and those which we are still supporting including the associated funding figures on which the revised Item 25 Worksheet Summary were based.

The District's share of the E-Rate funding, as modified, is \$1,883,136, which was approved by the Board of Education on May 22nd, 2002. Please see attachment 4.

Requested Information

Contracts

Please see the contracts at attachment four for Spectrum Communications, CompuWave Inc., E-Chalk, and Los Angeles County Office of Education.

We have not supplied contracts for:

- 1) Pacific Bell Local Telephone Service – Tariff Rates for Local Telephone Service on an ongoing month to month basis were used.
- 2) Pacific Bell Data Circuits/T1's – Tariff Rates for these circuits on an ongoing month to month basis were used.
- 3) Nextel Wireless – We are charged on a month to month basis for this service.

Requests for proposals (RFP's)

Telecomm Services –

Local Telephone - No RFPs were provided. The local incumbent telecommunications provider, Pacific Bell, was selected and Tariff rates are paid.

Data Circuits (T1s) – No RFPs were created. The local incumbent telecomm, Pacific Bell that has been providing telecommunications service to the District under Tariff rates was selected, as these services are also Tariff.

ISP service – No formal RFP was created. The District will either use a combination of the County Office of Education and Pacific Bell Internet to provide Internet Service to the District. Local policy does not require a formal RFP for this service.

Internal Connections

No RFP was created. Inglewood Unified School District utilized the California Multiple Award Schedule (CMAS) as the procurement vehicle for Spectrum Communications and CompuWave . CMAS is a pre-negotiated and competitive “master agreement” by the California Department of General Services, procurement Division. This effectively streamlines the procurement cycle for State and Local Government Agencies as the competitive bidding process has already taken place.

School Districts are allowed to piggyback with CMAS to procure products and services (Public Contract Code sec. 10299) from the vendor that provides the “best value”. Spectrum Communications has been selected by Inglewood Unified School District based upon the following criteria:

- They have successfully completed several Information Technology Projects for Inglewood Unified School District in the past, with minimal change orders.
- They have exceeded expectations above and beyond the requirements of the Scopes of Work.
- They have provided valuable assistance with project management with no additional cost to the Inglewood Unified School District.
- Any and all disputes and dissatisfaction has been resolved with minimal resource impact to the Inglewood School District.
- They have intimate and detailed knowledge of Inglewood Unified School District’s Information Technology Network and function as a partner with the District and not just another vendor selling goods.
- Spectrum Communications is a qualified CMAS supplier.

Copies of all contracts, bids, and vendor information that received are at attachment five.

Service Providers Selection Process

Telecomm Services – PacBell was selected because it provided the most cost effective services at tariff rates and has been a reliable and responsive business partner of the

District for the last decade. The have two area telecommunications central offices within five miles to support our needs.

Internet Service –

PacBell was selected as our primary ISP because it provided the most reliable and cost effective service. Equipment compatibility allowed a ready connection at minimum installation cost. The Los Angeles County Office of Education was retained as a secondary ISP for added connectivity bandwidth and as an alternate/emergency backup. E-Chalk provided a very cost effective and responsive bid for student e-mail service and was also the only service provider to respond to our Form 470.

Internal Connections-

Spectrum Communications was selected by Inglewood Unified School District under the CMAS procurement program and other applicable procurement codes. Spectrum Communications provides the most cost-effective product and exceeds District requirements for quality of workmanship for Information Technology projects. Spectrum Communications is familiar with our school sites and the Business Operations of our school districts, as a result of being both a sub-contractor of Cisco Systems and a prime contractor on previous District E-Rate projects. It is allowable under California Public Contract Code for Inglewood Unified School District to select Spectrum Communications under the CMAS agreement without further competitive bidding.

Planning, Implementation, and Support of E-Rate Funding Requests.

Inglewood Unified School District utilized a paid consultant at \$100 per hour to prepare and support its E-Rate projects in E-Rate Years 1,2, and 3. The District Technology Staff prepared the E-Rate applications in E-Rate Years 4 and 5.

The District has built a modern technology infrastructure with the support of E-Rate funding. This infrastructure includes a robust telephone and computer network with high speed connections to the Internet from all of our classrooms.

- In E-Rate Year 1, the District E-Rate program value was \$3,144,390 of which \$2,829,950 was paid by the Federal Government and the District's share was \$314,440. With this funding, vendors installed a new telephone PBX and telephone wiring for all classrooms.
- In E-Rate Year 2, the value of the E-Rate program was \$4,449,000 of which the Federal Government paid \$4,004,100 and the District paid \$444,900. This funding provided for the installation of a District computer network including one drop in every classroom as well as connection to an Internet Service Provider.
- In E-Rate Year 3, the program's value was \$4,818,076 of which the Federal Government paid \$4,336,269 and the District paid \$481,808. Of this amount, \$2,057,077 was disputed and not paid until the following year. This funding

added three more computer drops to each classroom and significantly upgraded the Electronics of the computer network.

- In E-Rate Year 4, \$32,057,858 in E-Rate applications was submitted, however because of the difficulty is securing the District's share of the E-Rate funding and delays in approving some of the E-Rate projects, the final E-Rate program value was only \$113,965 of which the Federal Government paid \$94,590 and the District paid \$19,374.

The total value of the E-Rate program over the last four years of the E-Rate program is \$12,525,431. In the process, we have received over \$2,300,000 in State grants for computers and related support. In addition, the District obtained \$130,000,000 for school site facilities upgrades via a local bond of which approximately 10-15 percent supports the technology infrastructure. Finally, the District has added supporting technology staff at a cost of \$260,000 over the past year and will double this amount in 2004-2005 if the budget permits.

The Inglewood Unified School District appreciates all the assistance that the SLD has provided for technology via the E-Rate program over the past four years and will be glad to provide any additional information that you may require in evaluating our E-Rate Year 5 funding request.

Sincerely,

George Beckwith, Ed.D.
Director of Information Technology
Inglewood Unified School District
401 S. Inglewood Ave.
Inglewood, CA 90301
(310) 419-2735
gbeckwith@inglewood.k12.ca.us

Attachments:

1. Item 25 Worksheet Summary
2. FCC 471 FRN's Calculations
3. Board Agenda Item- E-Rate Funding
4. Vendor Contracts and Correspondence
5. District Educational Technology Plan

INGLEWOOD DISTRICT EXHIBIT 5



Alan Henderson
Director of Information
Technology

INGLEWOOD UNIFIED SCHOOL DISTRICT

401 S. INGLEWOOD AVE., INGLEWOOD CALIFORNIA • 90301 PHONE: (310) 419-2705; FAX (310) 680-5144

January 31, 2003

Michael Deusinger
Schools & Libraries Division
Program Integrity Assurance
Voice: 973-581-6750
Fax: 973-884-8066
E-Mail: MichaelDeusinger@SL.UniversalService.Org

RE: Your FAX 01/07/03 Funding Year 2002 Selective Review-Spectrum
Communications.

In response to our Form 470 posting, Spectrum Communications was the only vendor to respond with an offer of service. Because we had limited staff and was incapable of preparing a separate Request for Purchase (RFP) package, we had determined upon submitting the Form 470, we would select from among vendors who had qualified as a CMAS vendor. Since Spectrum was the only vendor to respond to our Form 470, we selected them.

Cost was a factor in our selection. If Spectrum had not submitted a proposal that we considered fair and competitive in the market place, we would not have accepted their proposal. We had selected Lucent Technologies and Cisco Systems as E-Rate vendors in prior years to do similar work and found Spectrum Communications costs to be competitive with those two vendors.

Please note that George Beckwith is no longer employed by Inglewood Unified School District. I am the district's E-Rate contact. Please contact me if you need further information.

Sincerely,

A handwritten signature of Alan Henderson in black ink.

Alan Henderson
Director of Technology
Telephone 310 419-2735
FAX 310-680-5127

C: Mr. Rolland Boceta
Chief Operations Officer



Alan Henderson
Director of Information
Technology

INGLEWOOD UNIFIED SCHOOL DISTRICT

401 S. INGLEWOOD AVE., INGLEWOOD CALIFORNIA • 90301 PHONE: (310) 419-2705; FAX (310) 680-5144

February 3, 2003

Michael Deusinger
Schools & Libraries Division
Program Integrity Assurance
Voice: 973-581-6750
Fax: 973-884-8066
E-Mail: MichaelDeusinger@SL.UniversalService.Org

RE: Your FAX 02/03/03 Funding Year 2002 Selective Review-Spectrum
Communications.

Inglewood Unified School District offers the following response to your
request for clarification regarding our ERATE 5 application.

Spectrum Communications was the only vendor to respond with an offer of
service. No other vendor, CMAS or Non-CMAS, responded to the districts Form
470.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Henderson", with a long horizontal flourish extending to the right.

Alan Henderson
Director of Technology
Telephone 310 419-2735
FAX 310-680-5127

**LUCERNE VALLEY UNIFIED SCHOOL DISTRICT
DECLARATION AND EXHIBITS**

DECLARATION

I, Jason Buchanan, hereby declare the following under penalty of perjury under the laws of the United States of America:

1. I am the Technology Specialist for Lucerne Valley Unified School District, in Hemet, California ("LVUSD").
2. LVUSD has participated since 1998 in the Schools and Libraries Mechanism ("E-Rate Program"), I have been involved on behalf of LVUSD in the E-Rate Program since 1998. Lucerne has used E-Rate funding for telecommunications services and internal connections. We have applied and been funded for telecommunications services for every year of the E-Rate Program. Verizon, formerly GTE, and Express-Tel provide our telecommunications. Year 3 was the first year we applied for internal connection; we requested funding for projects that involved 4 different vendors, and all requests were denied. In Year 4 we made 5 funding requests involving 2 vendors, and 4 of the requests were funded.
3. The San Bernardino County Educational Technology Joint Powers Authority is a consortium of school districts that work in conjunction with the San Bernardino County Superintendent of Schools to provide Internet, e-mail, filtering, and other network services to the schools in San Bernardino. Lucerne Valley USD is a member of the San Bernardino County Educational Technology Joint Powers Authority ("Ed-Tech JPA").
4. On July 19, 2001, San Bernardino County Educational Technology Joint Powers Authority submitted an FCC Form 470 seeking competitive bids for telecommunications and internal connections services for Funding Year 2002 (Application No. 618720000359831), on behalf of the members of the consortium. Bert Estes, Program Manager for the San Bernardino County Superintendent of Schools, is listed as the contact person on the Form 470 Application. A copy of the Form 470 is attached. LVUSD is listed on the Form 470 Application, which was posted on July 19, 2001.
5. On January 16, 2002, LVUSD submitted its FCC Form 471 for Funding Year 2002 (Application No. 314228), requesting funding to purchase eligible services from various service providers, including Spectrum Communications Cabling Services, Inc. ("Spectrum"). I was listed as LVUSD's contact person on the Form 471 Application.
6. On or about March 20, 2002, LVUSD received from the SLD an E-Rate Selective Review Information Request. LVUSD received a subsequent written requests from SLD related to the Information Request.
7. On or about September 24, 2002, and February 21, 2003, I submitted, on behalf of LVUSD, written responses to the Information Request and a related subsequent request. Copies of these responses are attached.

8. On April 22, 2003, the SLD issued a Funding Commitment Decision Letter in which it denied four separate Funding Request Numbers (FRNs) associated with LVUSD's Form 471 Application. For each FRN that was denied, the service provider was Spectrum. The "Funding Commitment Decision" for each FRN is identical, and states: "\$0.00 – Bidding Violation." The "Funding Commitment Decision Explanation" for each FRN also is identical, and states: "Similarities in Internal Connections description on Forms 470 and in description provided to SLD of the vendor selection process among applicants associated with this vendor indicate that vendor was improperly involved in the competitive bidding and vendor selection process." A copy of the Decision is attached.

9. Also on April 22, 2003, the SLD sent to LVUSD a Further Explanation of Administrator's Funding Decision. (A copy is attached.) Although the Further Explanation states that the Funding Commitment Decision Letter is "the official action" by SLD and USAC, LVUSD will address, and seeks review of, both the Funding Commitment Decision Letter and the Further Explanation.

10. As noted above, the Decision, by way of explanation, simply states (1) "similarities" in the internal connections description on Forms 470 "among applicants associated with this vendor," and (2) "similarities" in the "description ... of the vendor selection process among applicants associated with this vendor." The Decision does not state what "similarities" were found with respect to either the Form 470 Internal Connection descriptions or the descriptions of the vendor selection process. The Decision also refers to other "applicants associated with this vendor" but does not identify them.

11. The Further Explanation states: "During the review of your application, USAC became aware of the fact that there were striking similarities in the description of the internal connection services sought on FCC Forms 470 among various applicants later associated with the same service provider." The internal connection descriptions are contained in LVUSD's Form 470, Block 2 (Summary Description of Needs or Services Requested), Item 10 (Internal Connections), which asks applicants to "list [of] the Internal Connections Services you seek," and to "[s]pecify each service or function ... and quantity and/or capacity," and refers applicants to the SLD's Eligible Services List (www.sl.universalservice.org) for examples of eligible Internal Connections Services. In LVUSD's Form 470, Mr. Estes listed 108 separate "Service[s] or Function[s]" specific by school district.

12. Mr. Estes was responsible for providing the information referred to in LVUSD's Form 470 Application. Multiple vendors, including those that were not awarded contracts, discussed with me what services were or were not eligible for E-Rate funding. However, LVUSD did not prepare the Form 470. As a member of the Ed-Tech JPA, LVUSD advised the ED-Tech JPA to apply for all eligible services. Each of the services or functions listed in LVUSD's Form 470 Application is on the SLD's Eligible Services List.

13. During the bid process we received bids from Spectrum Communications and IKON office products for the selected services. However,

during the window IKON discontinued providing the services we requested. Because of this we chose Spectrum Communications. If we had received more bids we would have selected the vendor based on ability to provide the requested services, customer satisfaction, CMAS participation and price, price being the most heavily weighted factor. The competitive bidding process that was triggered by the posting of LVUSD's Form 470 Application was fair and open. Spectrum did not control or influence LVUSD's decision to seek competitive bids on the items listed on our Form 470, and LVUSD did not surrender control of the competitive bidding or vendor selection process to Spectrum.

14. The Further Explanation states:

USAC selects certain applicants for a Selective Review to ensure that they are following FCC rules relating to, among others, the competitive bidding process. Applicants who are chosen for this review are sent the "E-Rate Selective Review Information Request." As part of this request, applicants are asked to answer certain questions regarding their competitive bidding and vendor selection process. In particular, applicants are asked to:

Please provide complete documentation indicating how and why you selected the service provider(s) selected. This documentation should provide a description of your evaluation process and factors you used to determine the winning contract(s).

The person authorized by the applicant to sign on the applicant's behalf, or the entity's authorized representative, is required to certify that the authorized signer prepared the responses to the Selective Review Information Request on behalf of that entity.

... USAC further ascertained that the responses provided by various applicants associated with [Spectrum] to the portion of the Selective Review questions described above seeking a description of the factors that the applicant used to determine the winning contracts contained identical language.

... Based on the evidence described above, USAC reasonably has concluded that the description of [the competitive bidding] process that you provided to USAC appears to have been prepared by your service provider.

... USAC has concluded that the evidence described indicates that the service provider was improperly involved in the competitive bidding and vendor selection process and that the applicant did not provide the answer to these questions.

15. In other words, my understanding is that, according to the Further Explanation, SLD was concerned about the answer I provided on behalf of LVUSD in response to Item 4 of the Information Request with respect to Spectrum. That response was as follows:

Spectrum Communications was selected by Lucerne Valley Unified School District under the CMAS procurement program and other applicable procurement codes. Spectrum Communications provides the most cost-effective product, with the least amount of hassle, and exceeds District requirements for Information Technology projects. Spectrum Communications understands the business operations of Lucerne Valley Unified School District, due to their previous experience successfully completing information technology projects within the District. It is allowable under California Public Contract Code for Lucerne Valley Unified School District to select Spectrum Communications under the CMAS agreement without further competitive bidding.

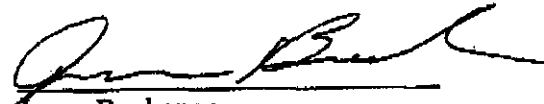
16. With respect to the certification referred to in the Further Explanation, it states: "I certify that I prepared the responses to this fax."

17. While preparing LVUSD's responses to the Information Request and SLD's follow up questions, I was not aware of any FCC or SLD prohibition on an applicant discussing with or obtaining information from a service provider to assist an applicant in preparing responses. I instructed others, including Spectrum, to compile information that I believed responded to the Information Request, and then I reviewed that information, confirmed its accuracy, instructed others to type out that information, and attested to its accuracy by signing the response to the Information Request. I similarly prepared and signed LVUSD's follow up responses to the SLD's additional questions about LVUSD's competitive bidding and vendor selection process. At my request, Spectrum provided me with information, including information about the California Multiple Awards Schedule. I prepared the responses in good faith and the information I provided is true and correct to the best of my knowledge. Consequently, I believe that I appropriately certified that I prepared the responses to the Information Request. Moreover, all of the information provided by LVUSD confirms that LVUSD conducted a fair and open competitive bidding process that complied with FCC and SLD rules and guidelines, California state laws, and LEA School board policy

18. As a result of the SLD's denial of LVUSD's Funding Year 2002 request, we were not able to complete the wiring of Lucerne Valley Elementary school or the installation of new communication servers at Mountain View High School, Community day school and Lucerne Valley Elementary School during the 2003 school year.

19. I have reviewed the Request for Review of the denial by the SLD of LVUSD's Form 471 Application for Funding Year 2002, to which this Declaration is attached. I am authorized by LVUSD to state that LVUSD supports and joins in the Request for Review to the extent that it seeks review of the denial of LVUSD's Funding Year 2002 requests.

20. The foregoing is true and correct to the best of my knowledge, information, and belief.

A handwritten signature in black ink, appearing to read "Jason Buchanan", written over a horizontal line.

Jason Buchanan

Date: 6/19/2003